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SUBJECT: AUSTRALIA WILL SIGN DECLARATION ON RIGHTS OF  
INDIGENOUS PEOPLES

¶1. Despite the previous government's misgivings that the UN Declaration on the Rights of Indigenous Peoples would elevate customary law above Western law and conflict with aspects of government policy, the Rudd government has adopted a policy to support the declaration and will follow through on a campaign promise to favor the declaration. The declaration, which was adopted by the UN General Assembly in September 2007 after more than two decades of drafting, outlines the rights of an estimated 370 million indigenous people around the world. Only Australia, Canada, New Zealand and the United States did not vote to adopt it.

¶2. The shadow attorney-general, Senator George Brandis, has warned that the declaration includes provisions that go well beyond the rights recognized in Australian domestic law. He said it conferred the right to seek compensation for land taken without permission and to veto projects affecting land, without providing recognition for the rights of third parties.

¶3. Professor Mick Dodson, indigenous leader and Australian of the Year, told poloff on March 26 that an announcement is imminent, perhaps even before the next meeting of the Permanent Forum which will be at UN headquarters in New York in the last two weeks of May. He expressed concern that the GOA support would be watered down by riders, qualifications or explanatory statements but maintains it is the right thing to do.

¶4. The GOA has not indicated when it will make the official announcement, saying only that it supported the declaration's underlying principles and was consulting with indigenous organizations, State and Territory governments and other key stakeholders on an appropriate public statement to reflect this. Dodson will be meeting with Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs early next week, which suggests an announcement by the government is indeed forthcoming.

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